

#37/1044

REISSUE LITIGATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being delivered by facsimile on to Technology Group 2800 on July 27, 2001. ☒
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 Assistant Commissioner for Patents
 Washington, D.C. 20231
 on: July 27, 2001 by: George S. MacInnis
 Signature: *George S. MacInnis*
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 JUL 27 2001
 TECHNOLOGY CENTER 2800

APPLICANT: Richard Chao

GROUP: 2873

APPLICATION NO.: 09/182,862

EXAMINER: Huy Mai

FILED: October 21, 1998

DOCKET NO.:

TITLE OF INVENTION: Auxiliary Lenses for Eyeglasses

CURRENT STATUS AND LOCATION OF APPLICATION: Technology Group 2800

ATTENTION: Clayton LaBelle

PROTEST UNDER 37 CFR 1.291(a)

We would like to call attention to the following prior art document which, in our opinion, would make the grant of a patent for the above reissue application improper: a Japanese patent registered (issued) on March 3, 1995 and published on May 16, 1995, based on an application filed

on November 15, 1994 by Boston Club Co. Ltd. (Boston Club). The Japanese Utility Model Registration Number is 3011174 and the Japanese application number is 6-15226.

A copy of both the Japanese patent and an English translation are attached as Exhibits 1 and 2 respectively. In addition, an Information Disclosure Sheet is attached as Exhibit 3.

As an issued patent, the Boston Club patent lies within 35 U.S.C. 102(a) and 103(a) for its public disclosure. While the Boston Club patent is relevant individually, it is especially relevant when examined in combination with the Sunreeve patent, which was included in an Information Disclosure Sheet submitted by the applicant in this Reissue. Specifically, the Boston Club patent teaches top-down eyewear frames coupling while the Sunreeve patent discloses auxiliary to primary frames, coupled by magnets lying parallel to the plane of the lens.

Respectfully submitted,

Date: 1/2/01
Lambert & Associates, PLLC
92 State Street
Boston, MA 02109-2004
Tel.: 617-742-8782

Gary E. Lambert, Esq.
Registration No. 35,925

CERTIFICATE OF MAILING

I hereby certify that this Response is being deposited with the United States Postal Service in an envelope addressed to the Commissioner of Patent and Trademarks, Washington, D.C. 20231, with sufficient first class postage thereon on the date shown below.

Date:

Gary E. Lambert, Esq.
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PROOF OF SERVICE

PROTEST UNDER 37 CFR 1.291(a)

Per 37 CFR 1.291(a), I hereby certify that a true and correct copy of the PROTEST UNDER 37 CFR 1.291(a) was delivered by first class mail to Michael S. Marcus, the attorney for the applicant.

Dated:

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Gary E. Lambert